

Attachment 1

TO: (Name and Title of Staff Member) Drug Program Coordinator	DATE: January 30, 2005
FROM: Juan Carlos Cruz	REGISTER NO.: 40595-004
WORK ASSIGNMENT: MW-11	UNIT: Birdmingham "B"

SUBJECT: State completely but briefly the problem on which you desire assistance and what you think should be done (GIVE DETAILS).

I have been informed by the DAP staff that because " I am a Cuban national" I do not qualify for the one (1) year sentence reduction upon completion of the DAP. However, such findings by the DAP administration is contrary to congressional intent as set forth in 28 C.F.R. Part 43 to end § 550.58 (i.e. Consideration for Early release), Section 550.58(i) only excludes INS detainees. However, I am not an INS detainee - I am a federal prisoner serving an imposed term of imprisonment. I will not become an INS detainee until I complete my imprisonment and then, picked up by INS. In essence, I will not become an INS detainee until Immigration picks me up.

(see attachment)

(Use other side of page if more space is needed)

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DISPOSITION: You are currently not eligible for 3621(c) release due to a detainer. If it is an INS detainer, that would be covered in P.S. 5330.10 Chapter 6.1.10 and states that these inmates are not eligible for early release. If it is not an INS detainer but some other sort of detainer - it would still make you ineligible for the halfway house. Subsequently under 5330.10 Chapter 6.1.1 (S) since you would be excluded from a community-based program placement and unable to participate in the community-based portion of treatment you would be ineligible for the 3621(c) release.

Staff Member Signature

Date

2/2/05